

Exhibit I

Lozito, Frances 1/27/2011 9:00:00 AM

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X
5 IN RE SEPTEMBER 11 LITIGATION
6 21 MC 101 (AKH)

7 -----X
8 MARY BAVIS,
9 Plaintiff,
10 -against- 02 Civ. 7154
11 UAL CORPORATION, et al.,
12 Defendants.

13 -----X
14 HIGHLY CONFIDENTIAL
15 January 27, 2011
16 9:30 a.m.

17
18 Videotaped Deposition of
19 FRANCES LOZITO, taken by Defendants, pursuant to
20 Notice, at the offices of Mayer Brown Rowe & Maw,
21 1999 K Street N.W., Washington, DC before TAMMEY
22 M. PASTOR, a Registered Professional Reporter,
23 Certified LiveNote Reporter and Notary Public
24 within and for the State of New York.
25

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 that you were PSI for United Airlines, can
3 you tell us what, how the metal detectors
4 were required to be calibrated for use by
5 an air carrier in aviation security?"")

6 MS. NORMAND: I think the
7 clarification to the question was how
8 United. Could you rephrase the question
9 to tie it to United program?

10 MR. ELLIS: Sure.

11 Q. Are you familiar with metal
12 detectors used by United in accordance with the
13 security program during the time you were
14 Principal Security Inspector?

15 MS. SCHIAVO: Objection.

16 A. Yes.

17 Q. Can you tell us if you're
18 familiar with how those metal detectors in
19 accordance with their security program were
20 supposed to be calibrated?

21 MS. SCHIAVO: Objection. Go ahead.

22 Sorry.

23 A. They were actually calibrated by
24 FAA inspectors.

25 Q. Was that every metal detector

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 used by United?

3 A. Uh-huh.

4 Q. And can you tell us how the FAA,

5 if you know, calibrated United's metal

6 detectors?

7 A. I don't remember specifically,

8 but there was multiple gun kit that was

9 designed to -- I know it required multiple

10 passes through a unit with the weapon,

11 different caliber weapons, different size

12 metals at different locations on the body to

13 ensure that it alarmed.

14 Q. And that object, I believe you

15 indicated that was used by the FAA to calibrate

16 these metal detectors was a gun?

17 MS. NORMAND: Objection.

18 MS. SCHIAVO: Objection.

19 A. Yes.

20 Q. And was that because the threat

21 that was assessed by the FAA was the threat of

22 a gun being brought through the checkpoint?

23 MS. SCHIAVO: Objection.

24 MR. COHEN: Objection.

25 MS. NORMAND: Objection, foundation

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 assessed against Civil Aviation Security?

3 MR. COHEN: Objection.

4 MS. NORMAND: Objection.

5 A. Not that I can recall.

6 Q. You indicated that part of your

7 job as Principal Security Inspector was to

8 regulate United's implementation of its

9 security responsibilities in accordance with

10 the Federal regulations governing aviation

11 security; is that correct?

12 MS. NORMAND: Objection.

13 MS. SCHIAVO: Objection.

14 A. I don't know what regulate means

15 to you.

16 Q. Was part of your responsibility

17 as Principal Security Inspector to implement

18 the security program in a way that conformed

19 with FAA regulations?

20 MS. SCHIAVO: Objection.

21 MR. COHEN: Objection.

22 MS. NORMAND: Objection to form.

23 A. It was not my responsibility to

24 implement the security program.

25 Q. To monitor United or air carrier

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 compliance --

3 A. Monitor, yes.

4 Q. -- that's accurate?

5 A. That's accurate.

6 MR. COHEN: Objection to form.

7 MS. NORMAND: I will just remind

8 the witness and counsel to try not to

9 speak when he is speaking and vice versa

10 so that the -- it is quite all right.

11 Often the witness needs to be reminded

12 before now.

13 MR. ELLIS: The witness probably

14 should have been warned about the

15 questioner.

16 MS. NORMAND: Also to give audible

17 answers.

18 THE WITNESS: Right. Right.

19 Q. While you were Principal Security

20 Inspector for United, are you familiar with CFR

21 section 108.9 Screening of Passengers and

22 Property, specifically section A, which states

23 "Each certificate holder required to conduct

24 screening under a security program shall use

25 the procedures included and the facilities and

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 read back the question.

3 (The pending question was read as

4 follows:

5 "Question: Did you as Principal
6 Security Inspector for United know that
7 there were some prohibited items that
8 might not be detected by a metal detector
9 as calibrated by the FAA?"

10 MS. NORMAND: Objection.

11 A. I would say if there were items
12 that were non-metallic, then certainly metal
13 detector would not detect them.

14 Q. And if you could turn to page
15 139F of the ACSSP.

16 MR. COHEN: Can you give us the TSA
17 Bates number.

18 MR. FEAGLEY: It is 126. It should
19 be 139F.

20 Q. 139F, I'm sorry. Ms. Lozito,
21 under the section G entitled FAA Testing,
22 subsection 2A(2)?

23 A. Okay.

24 Q. It states "If the alarm on the
25 walk-through detector does not sound, the air

Lozito, Frances 1/27/2011 9:00:00 AM

1 FRANCES LOZITO-HIGHLY CONFIDENTIAL

2 carrier is not considered to have failed to
3 detect the test object for the purpose of the
4 FAA test."

5 Do you see that?

6 MS. SCHIAVO: Objection.

7 A. Yes.

8 Q. Was it your understanding that an
9 air carrier was not breaching its
10 responsibilities under the ACSSP if a
11 prohibited item or a test object went through a
12 metal detector and the metal detector failed to
13 alarm?

14 MS. SCHIAVO: Objection.

15 MR. COHEN: Objection.

16 MS. NORMAND: Objection.

17 A. That's what it states.

18 Q. And when the FAA on 9/11 or prior
19 to 9/11, while you were Principal Security
20 Inspector, calibrated a metal detector, that
21 calibration test by the FAA did not require the
22 metal detector to alarm each time it was tested
23 by the FAA; is that correct?

24 MS. SCHIAVO: Objection.

25 MS. NORMAND: Objection, foundation.